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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,174	08/18/2003	Masami Shimizu	16965	3607
23389	7590	02/03/2006	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC			LEUBECKER, JOHN P	
400 GARDEN CITY PLAZA				
SUITE 300			ART UNIT	PAPER NUMBER
GARDEN CITY, NY 11530			3739	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/643,174	SHIMIZU ET AL.	
	Examiner	Art Unit	
	John P. Leubecker	3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 October 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6,8-12,14,16,17,19-22,24,25,27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,4-6,11,12,16,17,21,22 and 28 is/are rejected.
- 7) Claim(s) 3,8-10,14,19,20,24,25 and 27 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/24/05.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 2, 4-6, 12, 16, 17, 22 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuyuki et al. (U.S. Pat. 5,876,327) for the reasons set forth in numbered paragraph 5 of the previous Office Action, paper number 05202005.
3. Claims 1, 2, 4-6, 11, 16, 17, 21 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Lichtman (U.S. Pat. 6,292,221) for the reasons set forth in numbered paragraph 6 of the previous Office Action, paper number 05202005.

Allowable Subject Matter

4. Claims 3, 8-10, 14, 19, 20, 24, 25 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed October 28, 2005 have been fully considered but they are not persuasive.

Regarding the Tsuyuki et al. reference, Applicant appears to be arguing that the claims do not read on the Tsuyuki et al. device because Tsuyuki et al. does not disclose a hermetic case

housed within a camera head body. It is unclear how this has any relevance whatsoever since such feature is not being claimed. Applicant's arguments would carry more weight if they were directed to how the *claim language* avoids the cited prior art. Therefore, since Tsuyuki et al. discloses the limitations added to claims 1, 16 and 28 (note that the power generator (55) was previously indicated as being within case (42) and, as shown in Figures 13 and 4, electric energy is supplied to the power generator (55) through line (52) which receives energy through the proximal end of the connector (hermetic connector) as shown in Figure 4) the previously rejection is being maintained.

Regarding the Lichtman reference, it appears that Applicant has designated the bore (302) as analogous to the "case" in the claims, and present arguments accordingly. Since the Examiner did not make this analogy (note previous rejection), the Examiner's will maintain his interpretation when responding. As to the "possibility" that the case (300,378) of Lichtman is not hermetically sealed, Applicant has not provided any evidence or logical reasoning as to why one would even remotely consider such "possibility" given the many references to hermetically sealed joints and use of structure (e.g., o-rings) capable of providing such joints, never mind the fact that the case of Lichtman contains optical and electrical elements which are both negatively affected by moisture and contaminants. Given the entirety of the Lichtman disclosure and what it suggests (e.g., it would not make much sense to hermetically seal one end of the case if the case were not meant to be hermetically sealed), the Examiner takes the position that Lichtman teaches a hermetically sealed case. Therefore, the previous rejections are being maintained.

It is also unclear to the Examiner as to why Applicant is arguing that the combination of elements including a hermetically sealed case *within a camera head body* is distinguishable from

the prior art when Applicant has cited a reference in an Information disclosure statement that appears to show just that. Note Japanese Applicant number 11-350581 (which corresponds to previously cited U.S. Pat. 6,805,665). In anticipation of Applicant amending the claims to include a “camera head body” as argued, it would benefit the Applicant to refer to U.S. Pat. 6,805,665) when making such amendments.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

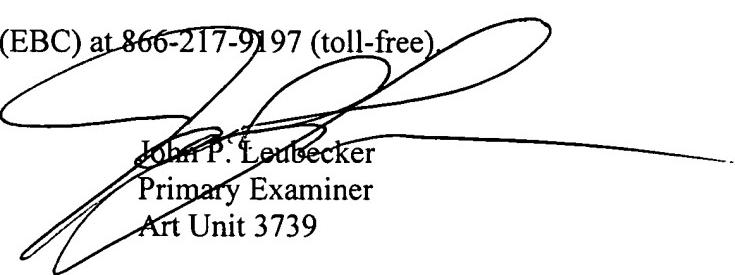
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Leubecker whose telephone number is (571) 272-4769. The examiner can normally be reached on Monday through Friday, 6:00 AM to 2:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John P. Leubecker
Primary Examiner
Art Unit 3739

jpl